

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 2:18-CR-34

v.

HON. ROBERT J. JONKER

JASON HARRY BISHOP,

Defendant.

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NOTICE

The Final PSR reported a final level of offense of 35, and a criminal history of category V. The Guideline range on the chart is 262-327 months, but the effective Guideline is 240 months, the statutory maximum for the sole count of conviction. The only reported objection in the PSR to the Guideline calculation was from the defense to the 2-point enhancement for use of a computer. If sustained, the objection would reduce to the Guideline range to 210-262 months, again capped at the 240 statutory maximum.

The defense sentencing memorandum filed on January 31, 2019, articulates a second objection to the Guideline calculation: namely, to the 5-point enhancement for a pattern of sexual abuse or exploitation of a minor. The defense acknowledges defendant's history of soliciting minors for sexual activity, but argues that solicitation alone does not satisfy the requirements of the pattern enhancement. If sustained, this objection would reduce the Guideline range to 151-188 months. If both objections were sustained, the Guideline range would drop to 130-162 months.

In addition to any sentencing issues framed by the parties, the Court will also consider whether an upward departure in criminal history category is warranted under U.S.S.G. 4A1.3(a) to account for recidivist risk. If the effective Guideline range falls below the statutory maximum of 240 months, the Court will also consider whether Section 3553 factors, and in particular the need for public protection and specific deterrence, warrant an upward variance.

Dated: February 1, 2019

/s/ Robert J. Jonker
ROBERT J. JONKER
CHIEF UNITED STATES DISTRICT JUDGE